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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 **IN RE PORTFOLIO RECOVERY**
12 **ASSOCIATES, LLC TELEPHONE**
13 **CONSUMER PROTECTION ACT**
14 **LITIGATION**

15 This Document Relates to
16 *DANIEL MATHER V. PORTFOLIO*
17 *RECOVERY ASSOCIATES, LLC, and*
18 *CAPITAL ONE BANK (USA), N.A.*
19 Case No.: 3:16-cv-02924-JAH-BGS

Case No. 3:11-MD-02295-JAH-BGS

Hon. John A. Houston
Magistrate Judge Bernard G. Skomal

ORDER OF DISMISSAL OF
MATHER MEMBER CASE
WITH PREJUDICE AS AGAINST
DEFENDANT CAPITAL ONE
BANK [Doc. No. 968]


20 This cause is before the Court on the unopposed motion to dismissal styled
21 as an Unopposed Motion for Voluntary Dismissal With Prejudice filed by
22 Defendant Capital One Bank (USA), N.A. (“Capital One”) which seeks dismissal
23 of the member case *Daniel Mather v. Portfolio Recovery Associates, LLC, and*
24 *Capital One Bank (USA), N.A.*, 3:16-cv-02924-JAH-BGS (“the *Mather* action”)
25 with prejudice as against Capital One and with each party to bear its own costs
26 and attorneys’ fees. Based on Defendant Capital One’s the unopposed motion and
27 supporting declaration of Plaintiff’s counsel, the Court finds that the *Mather*
28 action is to be dismissed with prejudice as against Capital One and with each party
to bear its own costs and attorneys’ fees.

1 Based on the foregoing, **IT IS ORDERED:**

2 1. All claims and counterclaims that were or might have been asserted
3 in the *Mather* action against Capital One are dismissed with prejudice and with
4 each party to bear its own costs and attorneys' fees.

5 2. The Clerk of this Court shall transmit a copy of this Order to the
6 Clerk of the United States Judicial Panel on Multidistrict Litigation. *See* J.P.M.L.
7 Rule 10.1 ("Where the transferee district court terminates an action by valid order,
8 including but not limited to summary judgment, judgment of dismissal and
9 judgment upon stipulation, the transferee district court clerk shall transmit a copy
10 of that order to the Clerk of the Panel.") The *Mather* action shall not be remanded
11 to the transferor court, and this Court shall retain the original files and records
12 unless the transferee judge or the Panel directs otherwise. *Id.*

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15 DATED: March 24, 2023


16 Hon. John A. Houston
17 United States District Judge
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